

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: StaceyAnn McFarlane-Ross	Team: Squad #15	CCRB Case #: 201710526	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday 12/19/2017 3:12 PM	18 Mo. SOL 06-19-2019	EO SOL 06-19-2019	Location of Incident: [REDACTED]		Precinct: 101
Date/Time CV Reported Thu, 12/21/2017 3:41 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 12/21/2017 3:41 PM		

Complainant/Victim	Type	Home Address
1. [REDACTED]	Comp/Victim	[REDACTED] Arverne NY [REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM Lukasz Solis	14287	943832	101 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM [REDACTED]	[REDACTED]	[REDACTED]	101 PCT
2. POM [REDACTED]	[REDACTED]	[REDACTED]	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A . POM Lukasz Solis	Abuse of Authority: Police Officer Lukasz Solis refused to provide his shield number to [REDACTED]	A . Substantiated

Case Summary

On December 21, 2017, [REDACTED] filed this complaint via telephone with the New York City Civilian Complaint Review Board.

On December 19, 2017, at approximately 3:12 p.m., [REDACTED] was driving his [REDACTED] with a crack windshield when he was pulled over at the [REDACTED] of Beach 12th Street and Redfern Avenue in Queens by PO [REDACTED] PO [REDACTED] and PO Lukasz Solis, from the 101st Precinct. PO [REDACTED] and PO Solis approached the driver's side while PO [REDACTED] approached the passenger side of the car. PO [REDACTED] informed Mr. [REDACTED] that he was stopped for the crack in his windshield. Mr. [REDACTED] informed PO [REDACTED] that he recently received a summons for the crack in the windshield and will be going to court regarding the summons. PO [REDACTED] asked Mr. [REDACTED] for his driver's license. After Mr. [REDACTED] informed PO [REDACTED] about the previous summons, he testified during his sworn statement that he asked PO Solis for his name and shield number, and PO Solis responded, "Don't worry about that. Just answer what he's asking you." However, video footage shows Mr. [REDACTED] actually asked PO Solis, "What's your badge number? Where's your badge?" in which PO Solis responded, "Sir, give him [PO [REDACTED] your license please" (**Allegation A: Abuse of Authority, Substantiated**). After that, PO [REDACTED] informed Mr. [REDACTED] that he would take him at his word regarding the previously issued summons and returned Mr. [REDACTED] his driver's license without issuing him a summons.

During the course of the investigation, video footage recorded on Mr. [REDACTED] cell phone was obtained, which captured the incident in its entirety (BR 01).

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Lukasz Solis refused to provide his shield number to [REDACTED]

Mr. [REDACTED] (BR 02) testified when PO [REDACTED] PO [REDACTED] and PO Solis approached his car, he was able to see PO [REDACTED] and PO [REDACTED] shields and was satisfied with being able to see a visible shield. However, PO Solis did not have his shield visible and Mr. [REDACTED] described PO Solis appeared to be dressed like a thug and was behaving "macho" and so he asked PO Solis for his name and his shield number. PO Solis did not provide either his name or shield number to Mr. [REDACTED] and responded to him, "Don't worry about that. Just answer what he's asking you."

PO Solis (BR 04) testified he did not hear Mr. [REDACTED] specifically ask him for his name and shield number. PO Solis was shown the cell phone video footage which he identified himself at the 50 seconds mark, wearing a gray Nike hoodie with a dark cap. From 1:22 minute to 1:24 minute, the recording shows Mr. [REDACTED] moving the camera slightly from PO [REDACTED] towards PO Solis and asked PO Solis, "What's your badge number? Where's your badge?" and PO Solis responded while pointing at Mr. [REDACTED] "Sir, give him your license please." PO Solis explained to the undersigned that he did not hear Mr. [REDACTED] ask him these questions as he Mr. [REDACTED] was still inside of his car and he did not know who Mr. [REDACTED] was looking at or pointing to. PO Solis explained the camera is pointing towards the center.



201710526_20180314_1222_DM.mp4

PO [REDACTED] (BR 05) testified he did not hear Mr. [REDACTED] ask PO Solis for his name and shield number. Before PO [REDACTED] was shown the cell phone video footage of the incident, he explained to his recollection Mr. [REDACTED] volume was loud and could be heard from the patrol car. At 41 seconds, PO [REDACTED] identified himself wearing a [REDACTED] Jets hoodie and at 50 seconds he identified PO Solis in a gray hoodie. At 1:22 minute to 1:24 minute which depicted the alleged refusal, PO [REDACTED] explained although Mr. [REDACTED] was loud, he did not recall hearing him ask PO Solis for his name and shield number.

PO [REDACTED] (BR 06) testified upon approaching Mr. [REDACTED] passenger side of the car, Mr. [REDACTED] was loud, angry, flapping his arms while recording the incident. PO [REDACTED] explained although Mr. [REDACTED] was loud, he could not hear the conversation between PO [REDACTED] and Mr. [REDACTED] as the passenger window was closed and the loudness was inside of the car. PO [REDACTED] did not hear Mr. [REDACTED] ask PO Solis for his name and shield number. PO [REDACTED] observed Mr. [REDACTED] turned his camera towards him at one point during the incident.

An officer should courteously and clearly state their rank, name, shield number and command or otherwise provide to anyone who requested the officer to do so. The officer should allow enough time to note this information NYPD Patrol Guide 203-09 (BR 10).

Given that Mr. [REDACTED] testified to asking PO Solis for his name and his shield number, the video only shows him asking for PO Solis's shield number in which it was not provided to him. PO Solis, PO [REDACTED] and PO [REDACTED] all testified that they did not hear Mr. [REDACTED] asked PO Solis for his name and shield number, however, PO [REDACTED] and PO [REDACTED] both described Mr. [REDACTED] was loud during the incident. The investigation has determined by the preponderance of the evidence that PO Solis failed to comply with the NYPD PG 203-09 by not providing his shield number to Mr. [REDACTED] when asked. Therefore, it is recommended that **Allegation A** be closed as **Substantiated**.

Civilian and Officer CCRB Histories

- [REDACTED] [REDACTED] has been the party to 12 prior CCRB complaints and has been named the victim in 28 allegations (BR 09).
 - 201304499 involved allegations of a vehicle search and a frisk, which were substantiated. Allegations of guns drawn, a vehicle stop, property damage, refusal to provide name and shield number, physical force, threat of a summons, threat of arrest, offensive language (race), discourtesy (word) and a search of a person were all unsubstantiated.
 - 201404477 involved abuse of authority allegations which were closed as mediated.
 - 201411639 involving a vehicle stop allegation was closed as officer(s) unidentified.
 - 201507712 was forwarded to the Office of the Chief of Department.
 - 201507712 involved allegations of a vehicle stop, a refusal to provide name and shield number were unsubstantiated.

- 201507834 involved allegations of a vehicle stop, a threat of a summons, an interference of a recording device, a frisk and a search of a person were all unsubstantiated. A vehicle search allegation was substantiated.
- 201508117 was forwarded to Internal Affairs Bureau as a spinoff to case number 201507712 and 201507834.
- 201608484 involved a vehicle stop allegation, which was exonerated.
- 201701535 involved a vehicle stop allegation, which was exonerated.
- 201708162 was forwarded to Internal Affairs Bureau as a referral.
- 201705220 was forwarded to the Office of the Chief of Department.
- 201705961 involved an allegation of a vehicle stop, which was exonerated and an allegation of a refusal to provide shield number, which was unfounded.
- PO Lukasz Solis has been a member of service for 11 years and has been a subject in five CCRB complaints and six allegations, none of which were substantiated. PO Solis's CCRB history does not reflect any apparent pattern pertinent to this investigation.

Mediation, Civil and Criminal Histories

- [REDACTED] declined to mediate this complaint.
- As of March 8, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (BR 08).
- According to the Office of Court Administration (OCA), [REDACTED] has no history of convictions in New York City (BR 07).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
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Reviewer: _____
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